

Message Text

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C O N F I D E N T I A L STATE 148906

E.O. 11652: GDS

TAGS: SHUM

SUBJECT: DRAFT HUMAN RIGHTS PLAN FOR SOMALIA

REF: STATE 139160

DEPARTMENT WOULD APPRECIATE EMBASSY COMMENTS ON FOLLOWING
DRAFT COUNTRY PLAN BY JUNE 30. WOULD APPRECIATE BEST
FIGURE AVAILABLE ON POLITICAL PRISONERS. PLEASE SLUG FOR
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A. HUMAN RIGHTS CONDITIONS

SOMALIA IS A MILITARY DICTATORSHIP WHICH HAS ADOPTED THE
GUISE OF A SINGLE-PARTY MARXIST-LENINIST STATE. ALTHOUGH
THE SOMALI CONSTITUTION WAS SUSPENDED FOLLOWING PRESIDENT
SIAD'S SEIZURE OF POWER IN OCTOBER 1969, SOMALI CITIZENS
CONTINUE TO ENJOY THE PROTECTION OF MANY OF THEIR BASIC
RIGHTS UNDER THE SOMALI CIVIL CODE. OTHER FUNDAMENTAL
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RIGHTS, HOWEVER, HAVE BEEN ABRIDGED OR LIMITED BY THE
STATE IN ITS SINGLE-MINDED DETERMINATION TO CREATE A NEW
SOCIAL AND ECONOMIC ORDER IN SOMALIA.

1. INTEGRITY OF THE PERSON

ARBITRARY ARRESTS, DETENTION AND IMPRISONMENT ARE FREELY
USED AGAINST SUSPECTED POLITICAL DISSIDENTS IN SOMALIA,
BUT THERE IS NO INDICATION THAT SUCH PERSONS ARE SUB-
JECTED TO CRUEL OR UNUSUAL PUNISHMENT. THE REGIME CLEARLY

PREFERS SOCIAL AND POLITICAL REHABILITATION TO BRUTALITY. EXCEPT IN UNUSUAL CASES PRISON SENTENCES ARE SHORT, AND MANY OF THE OFFICIALS WHO HELD OFFICE UNDER THE PREVIOUS REGIME AND WHO HAD BEEN DETAINED FOLLOWING SIAD'S ACCESSION TO POWER HAVE SINCE BEEN APPOINTED TO POSITIONS OF TRUST AND RESPONSIBILITY. THE DEATH PENALTY IS RARELY USED IN SOMALIA FOR POLITICAL CRIMES. ONE MAJOR EXCEPTION, HOWEVER, WAS THE EXECUTION OF TEN SOMALI RELIGIOUS LEADERS IN JANUARY 1975 FOR THEIR PUBLIC OPPOSITION TO THE GOVERNMENT'S DECISION TO GIVE EQUAL RIGHTS TO SOMALI WOMEN. THE PUBLIC OPPOSITION OF THE RELIGIOUS LEADERS WAS BASED ON THEOLOGICAL AS WELL AS POLITICAL GROUNDS SINCE THEY BELIEVED THAT THE GOVERNMENT HAD ATTACKED THE KORAN, THE BASIS FOR ISLAMIC DIVORCE AND INHERITANCE RIGHTS. THE GOVERNMENT, HOWEVER, VIEWED THE PROTEST IN POLITICAL TERMS AND CHARGED THEM WITH OPPOSING THE GOVERNMENT'S DECISION ON WOMEN'S RIGHTS AND PREACHING THE ISLAMIC FAITH FALSELY. THE GOVERNMENT ALSO CHARGED THAT THE LEADERS WERE IN THE PAY OF A FOREIGN POWER. THEY DID NOT BENEFIT FROM A PUBLIC TRIAL. POLITICAL OFFENDERS ARE GENERALLY TRIED BEFORE THE NATIONAL SECURITY COURT, AN INSTITUTION NOTED NEITHER FOR ITS FAIRNESS NOR FOR ITS INDEPENDENCE OF POLITICAL AUTHORITY. SOMALIS ALSO CONFIDENTIAL

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FOLLOW A TRADITIONAL PRACTICE OF FEMALE GENITAL MUTILATION. WE DO NOT KNOW HOW WIDESPREAD THIS PRACTICE IS, BUT ASSUME THAT IT WILL DIMINISH WITH THE SPREAD OF MODERN HEALTH CARE.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

IN THE PURSUIT OF ITS OBJECTIVE TO BRING ABOUT A SOCIALIST STATE WHICH PROVIDES FOR THE EQUITABLE DISTRIBUTION OF SOMALIA'S LIMITED MATERIAL WEALTH, THE LEADERSHIP HAS IMPOSED A HIGH DEGREE OF POLITICAL REGIMENTATION AND HAS SHOWN LITTLE TOLERANCE FOR FREEDOM OF OPINION OR FREEDOM OF PEACEFUL ASSEMBLY. TO GUARD THE NATION AGAINST POLITICAL AND SOCIAL UNDESIRABLES, THE REGIME HAS CREATED A LARGE AND ACTIVE INTERNAL SECURITY NETWORK UNDER THE CONTROL OF THE NATIONAL SECURITY SERVICE WHOSE RESPONSIBILITY IS TO MONITOR THE ACTIVITIES OF SOMALI CITIZENS AND FOREIGNERS. A SECONDARY BREED OF INFORMERS AND OPPORTUNISTS HAS ALSO BEEN CREATED TO REPORT ANTI-REGIME STATEMENTS, RUMORS OR GOSSIP TO POLICE AND SECURITY OFFICIALS. AS A CONSEQUENCE THERE IS ARBITRARY INTERFERENCE WITH THE SOMALI CITIZEN'S PRIVACY, FREEDOM OF MOVEMENT IS SOMETIMES CURTAILED AND A SOMALI NATIONAL'S FREEDOM TO LEAVE HIS COUNTRY OR EVEN CHANGE HIS PLACE OF EMPLOYMENT IS SOMETIMES DENIED. NO OPPOSITION POLITICAL PARTIES EXIST AND THE MEDIA ARE UNDER EFFECTIVE CONTROL OF THE STATE. EVEN ISLAMIC RELIGIOUS LAW HAS BEEN REVISED

IN THE NAME OF SOCIALISM.

3. ECONOMIC RIGHTS

THE SOMALI GOVERNMENT TAKES A SERIOUS INTEREST IN THE PROBLEMS OF ECONOMIC DEVELOPMENT. THE PER CAPITA INCOME IS DOLS 80. WHILE THE EFFECTIVENESS OF ITS APPROACH IS CONSTRAINED BY A SOCIALIST IDEOLOGY WHICH DISCOURAGES ANY PRIVATE FOREIGN INVESTMENT, IT HAS ESTABLISHED PROGRAMS OF

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DIRECT BENEFIT TO THE SOMALI MASSES. A MAJOR EFFORT HAS BEEN RESETTLEMENT OF THE NOMADIC TRIBESMEN WHOSE HERDS HAVE BEEN KILLED OFF BY THE RECENT DROUGHT. THE EFFORT TO TURN MANY OF THESE PEOPLE INTO FARMERS AND FISHERMEN MAY NOT SUCCEED, BUT IT REPRESENTS A MAJOR COMMITMENT IN TALENT AND RESOURCES ON THE PART OF THE SOMALI GOVERNMENT DIRECTED AT THE NEEDS OF THE POOR. WE HAVE NO REASON TO BELIEVE THAT SIGNIFICANT RESOURCES HAVE BEEN DIVERTED TOWARD THE NATION'S ELITE AND AWAY FROM THE MAJORITY OF THE POPULATION BECAUSE OF CORRUPTION.

4. GOVERNMENT RESPONSIBILITY

WHILE THE SOMALI GOVERNMENT HAS WILLINGLY ADOPTED CERTAIN PRACTICES AS NECESSARY TO THE IMPLEMENTATION OF ITS POLITICAL PROGRAM, IT PRIDES ITSELF ON THE RELATIVE LACK OF POLITICAL PRESSURE EMPLOYED TO BRING ABOUT A SOCIALIST TRANSFORMATION, AND CONTRASTS THIS WITH THE BLOODY PRACTICES OF NEIGHBORING SOCIALIST ETHIOPIA. IN FACT, WHILE IT HAS SHOWN A DISREGARD FOR MANY OF THE FUNDAMENTAL RIGHTS OF ITS CITIZENS, IT WOULD BE INACCURATE TO CHARACTERIZE THE CURRENT SOMALI GOVERNMENT AS A CRUEL OR EXTRAORDINARILY REPRESSIVE REGIME, ESPECIALLY IN VIEW OF THE BENEFITS IT HAS BROUGHT AND THE GAINS IT SEEKS FOR THE PEOPLE OF SOMALIA. IT JUSTIFIES THE POLITICAL SACRIFICES IMPOSED IN TERMS OF ITS NATIONAL GOALS AND ALSO BECAUSE THE REGIME BELIEVES THAT THE "FORCES OF REACTION", WHETHER INTERNAL OR EXTERNAL, SEEK TO UNDERMINE THE ACCOMPLISHMENTS OF ITS "REVOLUTIONARY" POLICIES. GIVEN THE DISTASTE WHICH MANY SOMALIS FEEL FOR SOME OF THE ASPECTS OF THE SOCIALISM IMPOSED BY THE SIAD GOVERNMENT, THE REGIME PROBABLY HAS LITTLE CHOICE BUT TO EXERCISE SOMETHING LIKE ITS CURRENT LEVEL OF POLITICAL REPRESSION

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IF IT MEANS TO CONTINUE IN POWER.

5. WILLINGNESS TO PERMIT OUTSIDE INVESTIGATIONS

THE SOMALI GOVERNMENT HAS NOT SHOWN ITSELF WILLING TO PERMIT OUTSIDE INVESTIGATIONS OF ITS HUMAN RIGHTS RECORD. TWO YEARS AGO AMNESTY INTERNATIONAL WISHED TO SEND A MISSION TO DISCUSS THE HUMAN RIGHTS SITUATION WITH THE GOVERNMENT, BUT THEIR REQUEST WAS ULTIMATELY REJECTED BY THE AUTHORITIES WITH THE EXCUSE THAT THEY WERE PREOCCUPIED WITH THE RESETTLEMENT OF PERSONS AFFLICTED BY THE 1975 DROUGHT.

B. ANALYSIS AND RECOMMENDATIONS

1. US HUMAN RIGHTS OBJECTIVES

OUR PRIMARY OBJECTIVE IN SOMALIA OVER THE SHORT-TERM SHOULD BE TO ATTEMPT TO IMPROVE OUR BILATERAL RELATIONSHIP, AND TO ENCOURAGE BETTER TIES BETWEEN SOMALIA AND WITH OTHER MODERATE STATES IN THE AREA. IF THIS EFFORT SUCCEEDS, SOMALIA WILL BE ABLE TO ADOPT A MORE TRULY NON-ALIGNED INTERNATIONAL POSTURE. THE GOVERNMENT'S DEVOTION TO SCIENTIFIC SOCIALISM SHOULD DECLINE, WITH A BENEFICIAL EFFECT ON INTERNAL POLICIES AND A PARTIAL RELAXATION OF THE STRICTURES NOW IMPOSED ON PERSONAL FREEDOMS IN THE COUNTRY.

2. LIKELY US INFLUENCE

PUBLIC CRITICISM OF THE SOMALI HUMAN RIGHTS RECORD, AS OF OTHER SOMALI POLICIES (E.G. THE USE BY THE USSR OF NAVAL AND AIR BASE FACILITIES IN SOMALIA), WILL EXACERBATE THE BILATERAL RELATIONSHIP WITHOUT ENCOURAGING SOMALIA TO TAKE ANY STEPS TO REFORM. AT THE SAME TIME THE SOMALIS WILL FEEL THAT THEY HAVE BEEN UNFAIRLY ATTACKED BECAUSE

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THEY WILL MAINTAIN WITH SOME JUSTIFICATION THAT THEIR HUMAN RIGHTS RECORD IS WITHIN THE AFRICAN CONTEXT A FAVORABLE ONE. THE SOMALIS ARE, HOWEVER, SUBJECT TO PRESSURE FROM THE CONSERVATIVE ARAB STATES CONCERNING THEIR OCCASIONAL INTERFERENCE WITH TRADITIONAL ISLAMIC PRACTICES. SUCH ARAB INFLUENCE, QUIETLY EXERCISED, IS LIKELY TO BE THE MOST EFFECTIVE IN ENCOURAGING THE SOMALIS TO PERMIT A GREATER DEGREE OF POLITICAL EXPRESSION AS WELL. WE HAVE SCANT LEVERAGE WITH SOMALIA TO USE ON BEHALF OF HUMAN RIGHTS. WE ARE JUST BEGINNING CONSULTATIONS ABOUT THE RE-ESTABLISHMENT OF AN AID PROGRAM AND THE USE OF OUR VOTE IN INTERNATIONAL FINANCIAL INSTITUTIONS WOULD DASH OUR EFFORTS TO ENCOURAGE SOMALIA TO ADOPT A MORE TRULY NON-ALIGNED POLICY RATHER THAN A POLICY RESULTING FROM HEAVY DEPENDENCE ON THE USSR.

3. OPTIONS

A. PRIVATELY INFORM THE SOMALI GOVERNMENT OF OUR CONCERN TOWARD THEIR HUMAN RIGHTS PRACTICES, PARTICULARLY CONCERNING THE FEW REMAINING POLITICAL DETAINEES AND THE LACK OF FREEDOM OF EXPRESSION AND MOVEMENT OF THEIR POPULATION.

B. ENCOURAGE SAUDI ARABIA AND OTHER FRIENDLY AND INTERESTED STATES TO USE THEIR INFLUENCE IN SOMALIA TO INCREASE POLITICAL AND RELIGIOUS FREEDOM IN THE COUNTRY.

4. EFFECTIVENESS

THE STATE OF US-SOMALI RELATIONSHIP AND THE SENSITIVITY OF THE SOMALIS TO OUTSIDE INFLUENCE, PARTICULARLY BY THE UNITED STATES, WOULD MAKE ANY DIRECT OR PUBLIC APPROACH ON CONFIDENTIAL

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HUMAN RIGHTS DAMAGING TO OUR EFFORTS TO IMPROVE OUR BILATERAL RELATIONSHIP WITHOUT DOING ANYTHING USEFUL TO IMPROVE THE SOMALI PRACTICES.

ENCOURAGEMENT OF THE SAUDIS AND OTHERS IN THEIR APPROACHES IS LIKELY TO HAVE A SMALL BUT REAL EFFECT AND IS THE BEST HOPE FOR GAINING SOMALI IMPROVEMENT IN THIS AREA.
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